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EXAMINER	
MAHMOUDZADEH, NIMA	

ART UNIT	PAPER NUMBER
2419	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/825,649	PATERSON ET AL.
	Examiner	Art Unit
	NIMA MAHMOUDZADEH	2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-11,14-26 and 28-31* is/are rejected.

7)☒ Claim(s) *12, 13, 27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 07/21/2008 has been entered. Claims 1-31 are still pending in this application, with claims 1, 20, and 29-31 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-11, 14-26 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kogan et al. (Publication "Draft Technical Requirements on Outage Measurement Requirements for Packet Networks" Provided in the IDS) in view of Purpura (US Patent Publication No. 2003/0039261).

Regarding claim 1, Kogan et al teach a dependability measurement system comprising;

service-affecting event computation for analyzing performance parameters measured by the performance measurement means (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element);

equipment event measurement for monitoring network elements of the communications (Fig. 1, Network Management System) network for the occurrence of network element events (In Fig. 1, Network Management System receives failure events notification periodically and also, page 7, lines 6-11 and also, page 8, lines 24-26);

population calculator for determining components within the communications network (Fig. 1, Element) which are related to dependability metrics to be reported upon and calculating in-service time information for the components (On page 7, lines 6-11, objects/ components are either UP or Down, by knowing the downtime, UP time is going to be available);

dependability metric calculator (Fig. 1, Element) for calculating, analyzing and reporting dependability parameters and dependability metrics using information output from the service-affecting event computation means (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element), equipment event measurement means and population calculator means (On page 9, lines 23-31, detailed outage data is being monitored and recorded); and

a user interface (Fig. 1, Measurement Interface) for supplying the dependability measurement system with system parameters and control information (In page 5, lines 10-16 talks about reporting failure events to NMS periodically. Also see page 4, lines 19-21); and

performance measurement (Fig. 1, Network Management System) for measuring performance parameters (The outage event is reported to Network Management System in Fig.1) in a communications network at sufficient frequency to detect service-affecting failures (Outage data is sent to Network Management System periodically. Also see page 9, lines 23-27 and also, page 8, lines 24-26) and time-of- occurrence (In page 7, lines 13-16, one of the values for the data outage in a link is the threshold value at the time of the outage), but fail to teach the measuring between a first location and a second location. However, Purpura teaches the measuring between a first location and a second location (P [0021] discloses the traffic control in communication between the router and the ground equipment).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify a method of Kogan et al. to include the traffic control management between two equipments disclosed by Purpura in order to decrease the error rate and improve quality of the communication.

However, Kogan et al. does not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well

known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 2, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. further teach a system wherein the performance measurement means comprises means for providing performance information

request (PIR) signaling between the first location and the second location in the communications network (In page 5, Fig. 1, and also, lines 2-4 and Lines 10-17, the goal is to prevent any degrading in performance and to do so, an agent sends the outage measurements to the Network Management System).

Regarding claim 3, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 2, Kogan et al. further teach a system wherein the means for providing PIR signaling uses packets in measuring performance parameters (As disclosed in page 9, lines 11-12, the network is a packet network so the signaling is going to be packet based).

Regarding claim 4, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. further teach a system wherein the performance parameters to be measured provide a quantitative measure for determining transmission performance (In page 5, lines 10-17 the agent reports the outage events on the link periodically).

Regarding claim 6, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan further teach a system wherein the

performance measurement further comprises means for storing measured performance parameters (In page 5, lines 10-17 the agent reports stores the outage events on the link periodically). However, Kogan et al. in view of Purpura do not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 7, (Currently amended) Kogan et al. in view of Purpura teach a dependability measurement system according to claim 6, Kogan et al. teach a system wherein the means for storing (Fig. 1, Data Storage in the Element) measured performance parameters is configured to store time and date information corresponding to at least one of the time of measurement of the measured performance parameters and the time of storage of the measured performance parameters (In page 5, lines 10-17 the agent reports stores the outage events on the link periodically. And also see Appendix B on page 14, in the Event Time section).

Regarding claim 8, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Purpura teaches a system wherein the first location and the second location define end points of a service path between first and second network elements (P [0021] discloses the traffic control in communication between the router and the ground equipment).

Regarding claim 9, Kogan et al. in view of Purpura teach a dependability

measurement system according to claim 1, Kogan et al. teach a system wherein the first location and the second location define end points of a service path between an input and output of a single network element (In Fig. 1, there are two Notification and Poll ports showing for the Element).

Regarding claim 10, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. teach a system wherein the service-affecting event computation comprises analyzing measured performance parameters to generate dependability parameter information (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element). However, Kogan et al. in view of Purpura do not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 11, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 10, Kogan et al. teach a system wherein the service-affecting event computation further comprises storing dependability parameter information (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element). However, Kogan et al. in view of Purpura do not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event

computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 14, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. teach a system wherein a network element event is a network element failure event (Page 5, lines 12-14 and Fig. 1).

Regarding claim 15, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. teach a system wherein the equipment event measurement means comprises (Fig. 1, Element and NMS);

monitoring a network element for an alarm generated in response to a network element event (See page 9, lines 11-13, the automated report of the outages in the packet network is same as an alarm);

collecting user-specified information relating to the network element event (In Fig. 1, the notification message contains information regarding the failure event); and

storing user-specified information relating to the network element event (See page 5, lines 11-17 and also, Data Store in Element shows in Fig. 1). However, Kogan et al. in view of Purpura do not specifically teach that the above respective functions are performed by separate monitoring means, collecting user-specified information means, and storing user-specified information means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 16, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. teach a system wherein the dependability metric calculator (Fig. 1, Element) comprises information correlation correlating information from the service-affecting event computation (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element) and the equipment event measurement (On page 9, lines 23-31, detailed outage data is being monitored and recorded). However, Kogan et al. in view of Purpura do not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 17, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 16, wherein the dependability metric calculator further comprises calculating (Fig. 1, Element) and storing dependability metrics based on information output from the information correlation means (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element) and the in-service time information from the population calculator (On page 9, lines 23-31, detailed outage data is being monitored and recorded). However, Kogan et al. in view of Purpura do not specifically teach that the above respective functions are performed by separate performance measurement

means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 18, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. further teach a system wherein the dependability parameters are at least one of event start time (Fig. 4, Start Time), event end time (Fig. 4, End Time), event duration (Fig. 4, Outage Duration), identification of the component experiencing an event (Element in Fig. 1 and also, Object ID in page 7, line 26), classification of type of the event (page 7, line 26, Event Type), start of repair time (Fig. 6, Beginning of TTR), end of repair time (Fig. 6, End of TTR), duration of repair time (Fig. 6, TTR).

Regarding claim 19, Kogan et al. in view of Purpura teach a dependability measurement system according to claim 1, Kogan et al. further teach a system wherein the dependability metrics are at least one of individual service outage downtime, individual service outage frequency, individual service failure rate, network element failure mode outage downtime, network element failure mode outage frequency, mean-time-to-restore service, intrinsic mean-time-to-repair (Fig. 6 and also Application example 2 on page 13), and total mean-time-to-repair.

Regarding claim 20, (Currently amended) Kogan et al. teach a method for use in a dependability measurement system of a communications network comprising;

analyzing measured performance parameters (In Page 7, lines 13-16, analyzing

is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element, also for further explanation, page 7, lines 5-28 discloses the object monitoring and reporting);

monitoring network elements of the communications network (Fig. 1, Network Management System, also for further explanation, page 7, lines 5-28 discloses the object monitoring and reporting functions) for the occurrence of network element events (In Fig. 1, Network Management System receives failure events notification periodically and also, page 7, lines 6-11 and also, page 8, lines 24-26);

determining equipment within the communications network (Fig. 1, NMS and Element, also for further explanation, page 7, lines 5-28 discloses the object monitoring and reporting) related to dependability metrics to be reported upon and calculating in-service time information for the equipment (On page 7, lines 6-11, objects/ components are either UP or Down, by knowing the downtime, UP time is going to be available, also see Fig. 4);

calculating, analyzing and reporting dependability parameters and dependability metrics using information resulting from analyzing measured performance parameters (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element), monitoring network element events and calculating the in-service time information for the equipment related to dependability metrics to be reported upon (On page 9, lines 23-31, detailed outage data is being monitored and recorded); but fail to teach measuring performance parameters between a first location and a second location in a communications network. However,

Purpura teaches measuring performance parameters between a first location and a second location in a communications network (P [0021] discloses the traffic control in communication between the router and the ground equipment).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify a method of Kogan et al. to include the traffic control management between two equipments disclosed by Purpura in order to decrease the error rate and improve quality of the communication.

Regarding claim 21, Kogan et al. in view of Purpura teach a method according to claim 20, Kogan et al. further teach a method further comprising defining dependability measurement system parameters (In Fig. 6 and also Application example 2 on page 13, time to repair is defined or).

Regarding claim 22, Kogan et al. in view of Purpura teach a method according to claim 21, Kogan et al. further teach a method wherein the dependability measurement system parameters are at least one of performance measurement parameters, dependability analysis parameters and dependability report parameters (On page 7, lines 26-29, report parameters are disclosed).

Regarding claim 23, Kogan et al. in view of Purpura teach a method according to claim 20, Kogan et al. further teach a method wherein the measuring performance parameters step further comprises storing measured performance parameter results (On page 5, lines 10-17 and page 7, lines 26-29 measuring parameters are being stored).

Regarding claim 24, Kogan et al. in view of Purpura teach a method according

to claim 20, kogan et al. further teach a method wherein the measuring performance parameters step comprises performing PIR signaling between the first location and the second location in the communications network (In page 5, Fig. 1, and also, lines 2-4 and Lines 10-17, the goal is to prevent any degrading in performance and to do so, an agent sends the outage measurements to the Network Management System, also, polling function acts as PIR signalling).

Regarding claim 25, Kogan et al. in view of Purpura teach a method according to claim 20, Kogan et al. further teach a method wherein the analyzing measured performance parameters step comprises analyzing measured performance parameters to generate dependability parameters (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element).

Regarding claim 26, Kogan et al. in view of Purpura teach a method according to claim 20, Kogan et al. further teach a method wherein the analyzing measured performance parameters step further comprises storing dependability parameters (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element).

Regarding claim 28, Kogan et al. in view of Purpura teach a method according to claim 20, Kogan et al. further teach a method wherein the monitoring individual network (Fig. 2 and 3) elements step comprises;

monitoring, a network element for an alarm generated in response to a network

element event (See page 9, lines 11-13, the automated report of the outages in the packet network is same as an alarm);

collecting information relating to the network element event (In Fig. 1, the notification message contains information regarding the failure event and also, Fig. 2 and 3); and

storing information relating to the network element event (Fig. 1, Data Store within Element).

Regarding claim 29, (Currently amended) Kogan et al. teach a communications network capable of operating a dependability measurement system, the communications network comprising:

a plurality of network elements (Fig. 2 and 3, Measurement Agents and NMS) comprising:

service-affecting event computation (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element) for analyzing performance parameters measured by the performance measurement (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element); and

equipment event measurement (Fig. 1, NMS and Element) for monitoring network elements of the communications network (Fig. 1, Network Management System) for the occurance of network element events (In Fig. 1, Network Management System receives failure events notification periodically and also, page 7, lines 6-11 and also, page 8, lines 24-26);

an operation service system comprising:

population calculator for determining components within the communications network which are related to dependability metrics to be reported upon and calculating in-service time information for the components (On page 7, lines 6-11, objects/ components are either UP or Down, by knowing the downtime, UP time is going to be available);and

dependability metric calculator (Fig. 1, Element), for calculating, analyzing and reporting dependability parameters and dependability metrics using information output from the service-affecting event computation (In Page 7, lines 13-16, analyzing is to measure and collect data required in order to be able to report and store outage event, Fig. 1, Element), equipment event measurement means and population calculator (On page 9, lines 23-31, detailed outage data is being monitored and recorded), the operation service system having a memory storage device (In Fig. 1, the Data Store within Element) and an user interface (in Fig. 1, Measurement Interface); and

performance measurement (Fig. 1, NMS and Element) in a communications network at sufficient frequency to detect service-affecting failures (Outage data is sent to Network Management System periodically. Also see page 9, lines 23-27 and also, page 8, lines 24-26) and time-of-occurrence (In page 7, lines 13-16, one of the values for the data outage in a link is the threshold value at the time of the outage) but fail to teach communication links established between the plurality of network elements;

measuring performance parameters between a first location and a second location ;

a communication link between the plurality of network elements and the operation service system. However, Purpura teaches communication links established between the plurality of network elements (P [0021] discloses the traffic control in communication between the router and the ground equipment);

measuring performance parameters between a first location and a second location (P [0021] discloses the traffic control in communication between the router and the ground equipment);

a communication link between the plurality of network elements and the operation service system (P [0021] discloses the traffic control in communication between the router and the ground equipment).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify a method of Kogan et al. to include the traffic control management between two equipments disclosed by Purpura in order to decrease the error rate and improve quality of the communication.

However, Kogan et al. does not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 30, (Currently amended) Kogan et al. teach a computer readable medium having computer readable program code embodied therein for

execution by a computer processor for operating an operational service system of a dependability measurement system (Fig. 1, the Element and Network Management System), the computer readable code comprising:

code for interfacing with network elements that monitor individual network elements for an occurrence of a network element event and collect and store network element event information (In Fig. 1, interfaces between NMS and the Element, page 5, lines 10-17 that discloses reporting failure events to NMS periodically, and also, Fig. 2 and 3 that show number of Elements connected to the NMS);

code for calculating dependability parameters based on network event information and network element event information (measurement is determined inside the Elements and then send to NMS via the links, page 5, lines 10-23 and also, the event information stored. See Fig. 4 and page 7, lines 26-29);

code for calculating dependability metrics based on measured network events and network element events over a user-defined time period (both periodic updates and polling disclosed in page 8 lines 20-27, can be done as user defined also, see page 4, lines 19-21); and

code reporting dependability parameters and dependability metrics (both periodic updates and polling disclosed in page 8 lines 20-27, can be done as user defined);

code for interfacing with network elements (Fig. 1, the interfaces between Network Management System and the Element) but fail to teach measure point-to-point performance parameters along a service path between at least two locations to determine an occurrence of a network event and collect and store network event

information. However, Purpura teach measure point-to-point performance parameters along a service path between at least two locations to determine an occurrence of a network event and collect and store network event information (P [0021] discloses the traffic control in communication between the router and the ground equipment).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify a method of Kogan et al. to include the traffic control management between two equipments disclosed by Purpura in order to decrease the error rate and improve quality of the communication.

However, Kogan et al. does not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

Regarding claim 31,(Currently amended) Kogan et al. teach a computer readable medium having computer readable program code embodied therein for execution by a computer processor for use in a network element as part of a dependability measurement
system, the computer readable code means comprising:

code for storing the measured point-to- point performance parameters (In Fig. 1, Data Store within the Element);

code for analyzing the measured point-to-point performance parameters and

calculating dependability parameters (Failure events reports are sent to NMS periodically to be able to analyze and calculate the outage measurement. See page 5, lines 10-17 and 18-23);

code for storing the dependability parameters (Fig. 1, Data Store within the Element);

code for monitoring the network element for an occurrence of a network element event (In Fig. 1, Network Management System receives failure events notification periodically and also, page 7, lines 6-11 and also, page 8, lines 24-26);

code for storing user-defined information regarding the network element event (See page 4, lines 19-21); and

code for interfacing with an operational service system to supply dependability parameters based on network events and network element events (Fig. 1, Measurement Interface).

code for measuring point-to-point performance parameters (Fig. 1, 2, and 3) but fail to teach a service path between at least two locations to determine an occurrence of a network event. However, Purpura teaches a service path between at least two locations to determine an occurrence of a network event.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify a method of Kogan et al. to include the traffic control management between two equipments disclosed by Purpura in order to decrease the error rate and improve quality of the communication (P [0021] discloses the traffic control in communication between the router and the ground equipment).

However, Kogan et al. does not specifically teach that the above respective functions are performed by separate performance measurement means, service-affecting event computation means, equipment event measurement means, population calculator for determining means, and dependability metric calculator means. It is well known in the art that the respective functions can be implemented in separate functional modules.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kogan et al. (Publication "Draft Technical Requirements on Outage Measurement Requirements for Packet Networks" Provided in IDS) in view of Tanaka et al. (US Patent Publication No. 20010053130)

Regarding claim 5, Kogan et al. teach a dependability measurement system according to claim 1, but fail to teach dependability measurement system wherein the performance parameters to be measured are at least one of packet delay, jitter, and integrity. However, Tanaka et al. teach dependability measurement system wherein the performance parameters to be measured are at least one of packet delay, jitter, and integrity (Paragraph [0010], lines 7-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dependability measurement system of Kogan et al. to include at least one of packet delay, jitter, and integrity disclosed by Tanaka et al. in order to be able to measure the performance parameters.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 6-11, 14-26, and 28-31 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 12, 13, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIMA MAHMOUDZADEH whose telephone number is (571)270-3527. The examiner can normally be reached on Monday - Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on (571) 272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NIMA MAHMOUDZADEH/
Examiner, Art Unit 2419